REMARKS

Claims 17-18 and 20-39 were rejected under 35 U.S.C. §103(a) as being unpatentable over Downs et al, U.S. Patent No. 6,226,618, in view of Leighton et al., U.S. Patent No. 6,108,703. During the Interview, the undersigned presented the attached slides explaining why, in his view, Downs et al does not teach what the Examiner says it teaches, and why the reference (in combination with the secondary reference) does not meet the subject matter of any pending claim taken as a whole. As a result of the Interview, it was agreed that the undersigned would describe the "content control requirement" more specifically. The claims amended here provide this additional specificity, although the undersigned still contends that the differences between Downs et al and the associated subject matter (as identified in the attached slides) establish that the Office's current rejection of any claim is unfounded. Nevertheless, these clarifying amendments are being made in an effort to advance this already lengthy prosecution to what is, hopefully, a prompt close.

At the close of the Interview it was agreed that the word "metadata" in the clause "specifying, as metadata, a given content control requirement" was unnecessary; thus, as can be seen, each of the pending claims that included the word "metadata" has been amended to remove this word and to conform the remaining claim language. In addition, in reviewing the pending claims, it was also concluded that the phrase "content control requirement" could be improved by simply referring to a "content control." The claims have been amended accordingly. No new matter has been included, and there has been no material change in claim scope as a result of removing this unnecessary wording.

The "content control" is now defined with more clarity as one of:

"(i) first data [see generally, e.g., page 25] for specifying whether the given piece of content is to be cached at a content server in the content delivery network and, if so, for how long, (ii) second data [see, e.g., page 8, lines 27-28] identifying a domain of the source server from which an instance of the given piece of content can be retrieved, (iii) third data [see, e.g., page 8, line 25] for associating the given piece of content with a given participating content provider for accounting purposes, and [as described in claims 22, 26, and 36-38) (iv) fourth data [see generally, e.g., page 28, line 14+] for implementing a

security mechanism." This subject matter, as now positively recited, is not disclosed in Downs et al, which enforces the "usage conditions" there (which are not the recited "first data," "second data" or "third data" in any case) only at the client machine, i.e., the end user Web browser, after the content has been served to the end user; there is no disclosure or suggestion in Downs et al. to enforce the usage conditions at the Content Store, the Clearinghouse, or the Content Hosting Site, i.e., prior to serving the content itself.

For these and the additional reasons advanced during the Interview (see, e.g., the attached slides), claims 17-39 clearly describe patentable subject matter. New dependent claims are included to provide additional details regarding how the "given content server" determines whether the content control has been specified for the "given piece of content." A representative technique is described in the written description in connection with the "Host Configuration Table" (HCT) lookup scheme, which may use a host header evaluation to determine whether a particular content control has been specified for a given object being served from the CDN. (See, generally, e.g., page 32-33).

Please charge the additional claim fees to Deposit Account 50-1269, in the name of Akamai Technologies, Inc.

The undersigned stands ready to work with the Examiner in any way to advance this prosecution to a close. The subject claims, however, are patentable, and a notice to this effect is requested.

Respectfully submitted,

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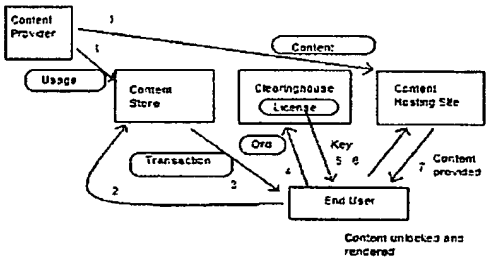
## Relevant claim language – claim 17

- "for a given piece of content identified by a participating content provider, specifying, as metadata, a given content control requirement to be applied to the given piece of content when the given piece of content is served from the content delivery network"
- at [a] given content server of the plurality of content servers, receiving a request for the given piece of content, determining whether a participating content provider has specified a content control requirement for the given piece of content and, if so, applying the given content control requirement specified in the metadata prior to serving the given piece of content from the given content server

## Downs et al. U.S. Patent No. 6,226,618

- Digital rights management system
- Participants: Content Provider, Content Store (web site), Clearinghouse, Content Hosting Site, End User
- Content Provider puts Content on Content Host and provides master set of Usage Conditions to Content Store (web site); End User browses to Content Store, buys content; EU gets Transaction SC from Content Store; EU provides Order SC to Clearinghouse; Clearinghouse does validation and provides EU License SC (specific Usage Conditions + key); EU uses License SC to obtain Content from Content Hosting Site

## Downs et al.



## Office action arguments

- equates Downs et al "decryption key" with the claimed "given piece of content"
- equates Downs et al "Usage Conditions" with claimed "content control requirement"
- reads Downs et al Clearinghouse as the claimed "given content server"
- equates Clearinghouse sending the decryption key to the EU as the claimed "applying the given content control requirement ... prior to serving the given piece of content from the given content server"

## Downs et al. does not read

- if "Usage Conditions" are a content control requirement (not conceded), the wording still is NOT met because:
  - those Usage Conditions are not "specified" for the decryption key; and
  - there is no "determining whether a [provider] has specified the [Usage Conditions] for the [decryption key]"
  - those Conditions are not "applied [at the Clearinghouse] prior to serving the [decryption key] from the [Clearinghouse]"

## Downs et al. – further differences

- Content itself (as opposed to decryption key to unlock the Content) served from Content Host; Usage Conditions are not even present on the Content Host, thus, the Usage Conditions (what the Examiner calls the "content control requirement") are never "applied" to the Content except at the EU –
- But, the claim requires "applying the content control requirement prior to serving [the Content] being served from the [Content Host]"

## The proposed combination

- Downs et al. does not mention DNS
- No motivation or suggestion to modify Downs et al to apply Usage Conditions to the Content at the Content Host; to do so might undermine the disclosed scheme as one goal of the Downs et al patent is to decouple rights management from the content itself
- MPEP § 2143.01V provides that alleged obviousness cannot be based on a proposed modification to a prior art reference that would render the prior art unsatisfactory for its intended purpose. In re Gordon, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984).
- Subject matter "as a whole" must be shown

## Missing elements – claim 17

- "for a given piece of content identified by a participating content provider, specifying, as metadata, a given content control requirement to be applied to the given piece of content when the given piece of content is served from the content delivery network"
- at [a] given content server of the plurality of content servers, receiving a request for the given piece of content, determining whether a participating content provider has specified a content control requirement for the given piece of content and, if so, applying the given content control requirement specified in the metadata prior to serving the given piece of content from the given content server